

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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H.A., by her mother, Jennifer Jacobson,

Plaintiff,

v.

Case No: 20cv674

THE CUBA CITY SCHOOL DISTRICT,

Defendant.

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**COMPLAINT**

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NOW COMES the plaintiff, H.A., by her mother, Jennifer Jacobson, by Paul A. Kinne of Gingras, Thomsen & Wachs, who hereby submits the following:

**NATURE OF PROCEEDINGS**

1. This case is being brought pursuant to Title II of the Americans with Disabilities Act and the Rehabilitation Act, whereby the plaintiff alleges that the Cuba City School District discriminated against the plaintiff by depriving her of educational opportunities on account of her disability (autism) and subjecting to her abuse because of her disability.

**JURISDICTION AND VENUE**

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because all claims arise under federal law.

3. Venue is proper under 28 U.S.C. § 1391 in that all of the acts alleged to have been committed by the defendants occurred within the Western District of Wisconsin.

### **PARTIES**

4. Plaintiff H.A. is a minor resident of the State of Wisconsin, and at all times relevant hereto, has resided within the Cuba City School District boundaries. She was born in April, 2010.

5. Jennifer Jacobson (“Jacobson”) is H.A.’s mother and one of her legal guardians.

6. Defendant Cuba City School District (CCSD) is a public school district organized and operated under the laws of the State of Wisconsin.

### **FACTUAL BACKGROUND**

7. During the academic year 2018-2019, H.A. attended CCSD, specifically at the Cuba City Elementary School

8. H.A. is disabled; she suffers from autism.

9. H.A.’s special education teacher that year was Christa Knapp.

10. Over the course of the 2018-2019 school year, the CCSD unlawfully secluded H.A. in a concrete block-walled classroom because of H.A.’s autism.

11. Over the course of the 2018-2019 school year, Knapp subjected H.A. to abuse because H.A. is autistic. This abuse includes but is not limited to the following:

A) On at least one occasion, Knapp forcefully grabbed H.A. by the arm and dragged her down a school hallway.

B) Knapp would simply ignore H.A. for long periods of time while she was in the seclusion room.

C) Knapp would engage in conduct that was designed to provoke outbursts from H.A. Knapp stated, on at least one occasion, "If we calm or discipline H.A., then we cannot suspend her."

12. The seclusion and the abuse described in the above-referenced paragraph was directed at H.A. as a form of punishment.

13. Knapp's ultimate design was to create a disciplinary record to support a decision from the CCSD to place H.A. in a different school, outside of the CCSD.

14. In March, 2019, the CCSD informed Jacobson that H.A. would be moved to a different school, New Frontier school. The CCSD was responsible to pay the costs of H.A. attending New Frontier.

15. New Frontier school lacked any expertise in dealing with students who suffered from autism, like H.A.

16. Jacobson requested that the CCSD offer her an accommodation of sending H.A. to a different school, Common Threads, which had an expertise in dealing with students with autism.

17. The CCSD rejected this request for an accommodation, sending H.A. to Common Thread for the remainder of the 2018-2019 school year.

18. The mistreatment and discrimination described above caused H.A. mental anguish and suffering. Her behavior at home deteriorated. She threw frequent tantrums, and experienced outbursts and bed wetting.

19. The discrimination also had a negative impact upon H.A.'s learning and academic achievement.

20. The CCSD receives federal funds.

**H.A.'S FIRST CAUSE OF ACTION AGAINST CCSD -  
VIOLATION OF THE ADA AND THE REHABILITATION ACT**

21. Plaintiff H.A. restates the previous paragraphs as if set forth fully herein.

22. By engaging in the conduct described above, the CCSD violated H.A.'s rights by discriminating against her on account of her disability, as prohibited by the ADA and the Rehabilitation Act.

23. By engaging in the conduct described above, the CCSD violated the ADA and the Rehabilitation Act when it knowingly allowed a hostile learning environment to exist at the CCSD that adversely affected H.A.'s academic achievement, on account of her disability. That is, the CCSD acted toward H.A. in bad faith or with gross misjudgment.

24. The CCSD intentionally excluded H.A. from educational opportunities because of her disability.

25. The hostile and discriminatory environment has caused H.A. severe and permanent economic, physical and emotional injuries.

WHEREFORE, the plaintiff requests a trial by jury along with the following relief:

- A. Unspecified compensatory damages;
- B. Any injunctive relief that the Court may deem just and proper to award;
- C. An award of Plaintiffs' reasonable attorneys' fees and costs incurred in this action;
- D. Pre- and post-judgment interest; and
- E. Any other such relief as the Court may deem appropriate.

**JURY DEMAND**

The plaintiff respectfully requests that this matter be tried before a jury of six (6) competent persons.

Dated this \_\_\_\_\_ day of July, 2020.

**GINGRAS THOMSEN & WACHS LLP**  
Attorneys for Plaintiff

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